

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SEMICONDUCTOR CHIPS
WITH MINIMIZED CHIP PACKAGE
SIZE AND PRODUCTS CONTAINING
SAME**

Investigation No. 337-TA-605

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION DENYING FREESCALE SEMICONDUCTOR, INC'S MOTION
FOR RETURN OF ITS BOND**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 69) denying the motion of Freescale Semiconductor, Inc. of Austin, Texas ("Freescale") for return of its bond.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 21, 2007, based on a complaint filed by Tessera, Inc. of San Jose, California against Spansion, Inc. and Spansion, LLC, both of Sunnyvale, California; QUALCOMM, Inc. of San Diego, California; ATI Technologies of Thornhill, Ontario, Canada; Motorola, Inc. of Schaumburg, Illinois ("Motorola"); STMicroelectronics N.V. of Geneva, Switzerland; and Freescale. *72 Fed. Reg.* 28522 (May 21, 2007). The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips with minimized chip package size or products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 5,852,326, and 6,433,419.

On May 20, 2009, the Commission issued its final disposition of the investigation, finding a violation of Section 337. *74 Fed. Reg. 25579-81* (May 28, 2009). The Commission also issued a limited exclusion order and cease and desist orders against all respondents. On August 18, 2009, the Commission granted a joint petition by Tessera and Motorola to rescind in whole the cease and desist order directed to Motorola based upon a license agreement entered into between the two parties.

On January 27, 2012, Freescale filed a motion for return of its bonds posted during the period of Presidential review pursuant to 19 U.S.C. § 1337 (j)(3). On February 6, 2012, Tessera filed an opposition to the motion. On February 10, 2012, Freescale filed a motion for leave to file a reply and reply to Tessera's opposition.

On April 2, 2012, the ALJ issued the subject ID, denying Freescale's motion for return of its bonds as untimely pursuant to section 210.50(d)(1)(ii) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210. 50(d)(1)(ii)). The ALJ also denied Freescale's motion for leave. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Lisa R. Barton
Acting Secretary to the Commission

Issued: May 18, 2012